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INTERSTATE GROUP, LLC
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 JOSE ENRIQUEZ and QUINN
14 COLMENERO, individuals, on behalf of
themselves and those similarly situated,

15 Plaintiff,

16 v.

17 INTERSTATE GROUP, LLC, an Illinois
18 limited liability company; SHAWN
LUTEYN, an individual, and DOES 1 to
19 50,

20 Defendants.
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Case No. 11-CV-05155-YGR (MEJ)

(Hon. Yvonne Gonzalez Rogers)

**STIPULATION AND [PROPOSED]
ORDER RE: MOTION TO DISMISS
COMPLAINT AS TO DEFENDANT
SHAWN LUTEYN**

Date: June 19, 2012

Time: 2:00 p.m.

Judge: Hon. Yvonne Gonzalez Rogers

22 This Stipulation and [proposed] Order is entered into by Plaintiffs JOSE ENRIQUEZ and
23 QUINN COLMENERO and Defendants INTERSTATE GROUP, LLC and SHAWN LUTEYN
24 (hereinafter the "Parties"):

25 WHEREAS, Plaintiffs JOSE ENRIQUEZ and QUINN COLMENERO have filed the
26 above captioned proposed wage and hour class action naming INTERSTATE GROUP, LLC and
27 SHAWN LUTEYN as defendants; and

28 ///

1 WHEREAS, the Parties agreed to engage in settlement discussions and participated in a
2 Settlement Conference before Chief Magistrate Judge Maria-Elena James on March 29, 2012; and

3 WHEREAS, Defendants' Motion to Dismiss the Complaint for Lack of Jurisdiction as to
4 Defendant Shawn Luteyn was fully briefed and previously set for hearing on March 20, 2012
5 (See, ECF Doc. No. 22); and

6 WHEREAS, the Parties previously stipulated to continue the hearing on the Motion to
7 Dismiss to a date after the Settlement Conference (Doc. 28); and

8 WHEREAS, Plaintiffs filed a First Amended Complaint which added a claim under the
9 Private Attorney General Act ("PAGA") against Defendant INTERSTATE GROUP, LLC, only,
10 and included no changes, substantive or procedural, that affected Defendant Shawn Luteyn (Doc.
11 23, Att. 1); and

12 WHEREAS, the Parties previously stipulated that the papers filed in support of and in
13 opposition to the Motion to Dismiss the Complaint as to Defendant Shawn Luteyn, true and
14 correct copies of which are attached hereto as Exhibit A (Docs. 12-14, 16-17, 19), should be
15 considered by this court as the Parties' timely filings on the Motion to Dismiss the First Amended
16 Complaint as to Defendant Shawn Luteyn; and

17 WHEREAS, a settlement was not reached in this matter; and

18 WHEREAS, the Parties have agreed that the Motion to Dismiss the First Amended
19 Complaint as to Defendant Shawn Luteyn be heard on June 19, 2012;

20 IT IS HEREBY STIPULATED AND AGREED UPON by the Parties, by and through
21 their counsel noted below, as follows:

22 1. Defendants' Motion to Dismiss the Complaint for Lack of Jurisdiction as to
23 Defendant Shawn Luteyn, filed and served on December 27, 2011 (Exhibit A-1, Docs. 12-14), be
24 deemed a timely Motion to Dismiss the First Amended Complaint for Lack of Jurisdiction as to
25 Defendant Shawn Luteyn; and

26 2. Plaintiffs' Opposition to the Motion to Dismiss (Exhibit A-2, Docs. 16-17) shall be
27 deemed a timely Opposition to the Motion to Dismiss the First Amended Complaint; and
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3. Defendants' Reply in Support of the Motion to Dismiss (Exhibit A-3, Doc. 19) shall be deemed a timely Reply in Support of the Motion to Dismiss the First Amended Complaint; and

4. Defendant will serve a new Notice of Motion setting the hearing on Defendants' Motion to Dismiss for June 19, 2012; and

5. Mr. Luteyn's participation in the Settlement Conference in no way operated to affect his rights to consent to jurisdiction.

Dated: May , 2012

DRINKER BIDDLE & REATH LLP

By: /s/ Cheryl D. Orr

Cheryl D. Orr
S. Fey Epling
Ayse Kuzucuoglu

Attorneys for Defendant
INTERSTATE GROUP, LLC

Dated: May , 2012

LAGARIAS & BOULTER, LLP

By: /s/ Robert S. Boulter

Robert S. Boulter
Peter C. Lagarias
Adrian L. Canzoneri

Attorneys for Plaintiffs
JOSE ENRIQUEZ and QUINN
COLMENERO

ATTESTION RE ELECTRONIC SIGNATURES

Pursuant to General Order 45.X.B., I attest that concurrence in the filing of the document has been obtained from the other signatory, which shall serve in lieu of his signature on the document.

1 Dated: May , 2012

DRINKER BIDDLE & REATH LLP

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3 By: /s/ Cheryl D. Orr
4 Cheryl D. Orr

5 Attorneys for Defendant
6 INTERSTATE GROUP, LLC
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ORDER

The parties having so stipulated, it is hereby ordered as follows:

1. Defendants' Motion to Dismiss the Complaint for Lack of Jurisdiction as to Defendant Shawn Luteyn, filed and served on December 27, 2011 (Exhibit A-1), is hereby deemed a timely Motion to Dismiss the First Amended Complaint for Lack of Jurisdiction as to Defendant Shawn Luteyn; and
2. Plaintiffs' Opposition to the Motion to Dismiss (Exhibit A-2) is hereby deemed a timely Opposition to the Motion to Dismiss the First Amended Complaint; and
3. Defendants' Reply in Support of the Motion to Dismiss (Exhibit A-3) is hereby deemed a timely Reply in Support of the Motion to Dismiss the First Amended Complaint; and
4. Defendant shall serve a new Notice of Motion setting the hearing on Defendants' Motion to Dismiss for June 19, 2012; and
5. Mr. Luteyn's participation in the Settlement Conference in no way operated to affect his rights to consent to jurisdiction.
6. This Order Terminates Docket Numbers 28 & 32.

IT IS SO ORDERED.

Dated: May 11, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE